

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA,	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:03-CR-182
	§	
WILLARD RAMON FEHRENBACH, <i>et al</i> ,	§	
	§	
Defendants.	§	

ORDER

Maria San Juan Saldivar, filed a motion to reduce her sentence pursuant to 18 U.S.C. § 3582(c) and Amendment 782 to the sentencing guidelines. D.E. 58. The motion is denied for the reasons stated herein.


Saldivar was convicted of conspiracy to possess with intent to distribute more than 50 kilograms of marijuana and was sentenced to 100 months imprisonment in the Bureau of Prisons in 2010. D.E. 50. Before sentencing, the Probation Department prepared Saldivar's Presentence Investigation Report (PSR). D.E. 45. Saldivar was held accountable for 63.6 kilograms of marijuana. Based upon that quantity, her base offense level was 22. *Id.*, ¶ 13. Saldivar was also determined to be a manager/supervisor which added two levels. After credit for acceptance of responsibility, her total offense level was 21. *Id.*, ¶¶ 13-20. However, Saldivar qualified as a career offender which increased her base offense level to 32. After adding the increase for manager/supervisor and credit for acceptance of responsibility, Saldivar's total offense level was 29. *Id.*, ¶¶ 21-23.

Saldivar's criminal history points totaled 6, which would result in application of criminal history category II, but because of her career offender qualification, Saldivar's criminal history

category was increased to VI. *Id.*, ¶¶ 25-30. Saldivar's guideline sentencing range was 151 to 188 months imprisonment, with a statutory maximum sentence of 20 years. *Id.*, ¶¶ 45-46.

At sentencing, the Court adopted the PSR without changes, but sentenced Saldivar to a below guideline sentence based upon the factors in 18 U.S.C. § 3553(a). D.E. 51. Because Saldivar was a career offender, the change in the sentencing guidelines did not result in a change to her guideline range. She is, therefore, not eligible for resentencing pursuant to Amendment 782. *See* U.S.S.G. § 1B1.10(a)(2). Saldivar's motion (D.E. 58) for sentence reduction is DENIED.

SIGNED and ORDERED this 26th day of March, 2015.


Janis Graham Jack
Senior United States District Judge